IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.621 OF 2006

Sohag P. Valia ...Petitioner.
Versus
Roopkumar B. Rohra & Ors. ...Respondents.

Shri K. Shaikh i/b Wajid I. Shaikh for the Petitioner.
Ms.Kavita S. Lalwani for Respondent No.1.
Ms.Nita Solanki for Respondent Nos.5 & 6

...

ALONGWITH

WRIT PETITION NO.622 OF 2006

Sohag P. Valia ...Petitioner.
Versus
Mahesh A. Talreja & Ors. ...Respondents.

Shri K. Shaikh i/b Wajid I. Shaikh for the Petitioner.
Ms.Kavita S. Lalwani for Respondent No.1.
Ms.Nita Solanki for Respondent Nos.4 & 8.

...

ALONGWITH

WRIT PETITION NO.623 OF 2006

Sohag P. Valia ...Petitioner
Versus
Manoj A. Talreja & Ors. ...Respondents.

Shri K. Shaikh i/b Wajid I. Shaikh for the Petitioner.
Ms.Kavita S. Lalwani for Respondent No.1.
Ms.Nita Solanki for Respondent Nos.4 & 8.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 8th FEBRUARY, 2006.

P.C. :

1. These Petitions are by the original defendants Nos.5 and defendant No.8 who are party defendants in summary suits which are subject matters of Writ Petition Nos.349/2006, 350/2006 & 351/2006 i.e. Summary Suit Nos.1094/2005, 1095/2005 & 1096/2005, in which summons for judgments have been taken out. They

are contested by the petitioners and after hearing the original plaintiffs, other defendants and the petitioners herein, the Court below has granted conditional leave to defend. Although, the orders are common, it appears that as far as these defendants are concerned the Court below has accepted the contentions of the original plaintiffs. It has observed that the deed of retirement has not been produced. A finding of fact is recorded that the petitioners have not been able to produce a deed of retirement with signatures of all partners. It is in this light that the Court below has observed that pleas raised in the affidavit filed in reply to the Summons for Judgment are not substantiated at all and, therefore, a triable issue does not arise.

2. In the aforesaid facts and circumstances, this is not a case fit to invoke jurisdiction under Article 227 of the Constitution of India. Once, a finding of fact is recorded consistent with the materials produced before the trial Court then it is not for this Court to reappreciate and reappraise the same in a limited jurisdiction. Petitions dismissed.

3. At the request of the petitioners time to pay the amount stands extended by four weeks from today.

(S.C.DHARMADHIKARI,J.)